

Independent Legal
Representation of
**Victims of War Crimes
and Crimes Against
Humanity**

**CIVITAS
MAXIMA**



**2019
ANNUAL
REPORT**

This bridge was the site of multiple executions of civilian residents, who were killed for belonging to a different tribe than the perpetrators, in 1990 during the First Liberian Civil War.
Weasua, Liberia, 2019

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Foreword

Alain Werner, Director of Civitas Maxima

As we publish: The world emerging from lockdown Why Accountability Matters More than Ever Before



Year after year, our Annual Report showcases pieces written by prominent actors in our field and by the very protagonists of the events we describe: this year is no different – only it is also enriched by the voices of Civitas Maxima’s staff who, every day, relentlessly work to achieve a world with more justice. 2019 was a challenging and enriching year, full of unexpected twists and turns – and maybe because of this – was an important year in the quest for justice.

This report presents both our legal and outreach efforts: starting with an explanation of the historic decision of the UK’s Supreme Court in the Agnes Taylor case; then describing – from the perspective of a Liberian investigator – the extraordinary collaboration between the French and Liberian authorities on a war crimes investigation; then examining the circumstances of the unexpected release of Kunti K. in France due to a procedural error; and finally describing the ambitious and cutting-edge “Justice in Action” project – during which our staff, together with a Liberian theater troupe, embarked on a journey through rural Liberia to practice participatory theater and inform people about the trials occurring outside Liberia of former warlords for crimes committed during the Civil Wars.

As this Annual Report has been published in July 2020, it is impossible not to address the events we have been collectively living through. Like in so many places around the world, COVID-19 prevention measures in Geneva, The Hague, and Liberia held a firm grip on us at Civitas Maxima – forcing us to work from home, hold meetings virtually, deal with the postponement of a long-awaited trial in Switzerland, and delay field missions to speak to victims and witnesses of mass crimes on the ground. The work of our sister organization in Liberia, the Global Justice and Research Project (GJRP), was also affected by similar measures, as was the work of the national authorities we collaborate with across the world to investigate and prosecute alleged perpetrators. Despite all of this, the virus has also strengthened our resolve to assist those victims and to continue holding their perpetrators to account. If one thing seems clear to us, it is that our work is needed now more than ever before.

Professor Philippe Sands recently wrote on international law blog *Opinio Juris*: “*We are where we are, in an imperfect world, and we are in it together, a common humanity (...)*”. Indeed, the fact that events in distant China can lead to stay-at-home orders and widespread suffering across the world proves that our fates are all intertwined. So too does the global outcry prompted by events in Minneapolis in late May 2020, which sparked mass protests across most continents. Despite rising skepticism towards multilateralism and globalization throughout the world, our lives have never been so deeply interconnected. Neither a virus nor the effects of racial discrimination stop at national borders, and neither should our responsibility or conscience to work together to combat such issues of concern to all of humanity. As philosopher Valéry Pratt develops in this Annual Report (see p.6), this is what is embodied by the term “*civitas maxima*”, and it is what underlies our work philosophy – especially in times like these.

The pandemic also shows the importance of being able to trust our leaders. Around the world, people have been asked to respect restrictions on their freedoms in order to safeguard public health. The ultimate success of such unprecedented measures depends on people being able to place their trust in authorities to make the right decisions and not use the opportunity to tighten their authoritarian grip on the population. As author Yuval Harari wrote in the *Financial Times* in March 2020 “*(...) when people trust public authorities to tell them these facts, citizens can do the right thing even without a Big Brother watching over their shoulders. A self-motivated and well-informed population is usually far more powerful and effective than a policed, ignorant population.*”

For such trust to exist, authorities need to have a track record of being accountable and abiding by the rule of law. Governments which repeatedly breach the rule of law will, in turn, struggle to get their citizens to voluntarily adhere to their rules in times of crisis. We observed this phenomenon very clearly in West Africa during the Ebola crisis in 2014-15, when many people, who had endured years of egregious abuse from their leaders during the long Civil Wars, did not abide by the sanitary rules put in place to fight the outbreak. It is no wonder that a population who sees perpetrators of horrendous war crimes walk free – often firmly installed in high-ranking government positions – loses its trust in the system.

It is upon all of us to make sure that victims of international crimes feel visible, and their calls for justice and accountability are heard loud and clear. Because accountability matters more than ever, and its absence costs lives.

The future now looks quite uncertain. None of us can predict what will happen, but our lives may well be altered by this crisis for generations to come. Like many other sectors, NGOs are looking towards a bleak future where funding streams may be cancelled or diverted towards direct COVID-19 response and economic recovery. It has to be feared that some organizations will not survive.

Nevertheless, we at Civitas Maxima remain optimistic, and we will keep fighting for accountability. We will not leave the victims of mass crimes alone in their quest for justice – not during normal times, and certainly not during times like these.

“Civitas Maxima”: Universal Justice in a Politicized World



Valéry Pratt

Associate Professor of Philosophy

We at Civitas Maxima have always understood our name as a call to action – as citizens of the world – to work side-by-side with local investigators, independent lawyers, and national authorities across the world to pursue justice, wherever possible, on behalf of victims of international crimes – which by their nature touch the humanity in all of us. However, “civitas maxima” is a term that defies simple definition; it can mean different things to different people in different contexts. Below, Associate Professor Valéry Pratt describes the variable and evolving ideas of “civitas maxima” from a philosophical standpoint.

In order to understand the Latin phrase “civitas maxima”, it is necessary to first note, beyond a mere translation into English, that it refers to the idea of the largest city-State (*polis* in Greek) possible, meaning a universal city-State, the one Diogenes of Sinope was calling to mind when saying: “*I am a citizen of the world*” (*cosmopolites* in Greek), and also “*The only true commonwealth is that which is as wide as the universe*”.

What is entailed by the idea of “civitas maxima” is not so much that of a world-State which – for better or worse – governs all humans. It is rather the idea of a universal justice, the sort of justice Sergio Vieira de Mello advocated for through his actions and with these words: “*the integration of all mindstreams constitutes the progress of humanity*”.

The universality implied in such progress must account for the individual characteristics and peculiarities of each civilization and enable us to build our humanity in all its richness and complexity. It also implies that humanity must be accountable to itself and must be able to address all crimes committed against humanity itself, in all places, for every human being and at all times.

In order to do this, humankind has had to address its very specificity as a subject of its own law, which underlies the modern understanding that it is neither nature which ordains the world, nor a creator God, but men themselves – governing themselves through a social contract. The birth of the modern State – necessary to bring peace to societies ever-plagued by religious wars – is also the birth of modern criminal law.

But what is the point of pacified nations if States have the right to wage wars, thus promoting the worst types of crimes? This is the question addressed by Kant in his *Perpetual Peace: A Philosophical Sketch*. (1795) Kant demonstrates that the solution of a “civitas maxima” as a super-State or “State of States”, such as proposed by his mentor Christian Wolff, does not actually realize the idea of universal peace and justice, *per se*.

Such a “civitas maxima” seems to be the first logical step as Kant explained: “*For States, in their relation to one another, there can be, according to reason, no other way of advancing from that lawless condition which unceasing war implies, than by giving up their savage lawless freedom, just as individual men have done, and yielding to the coercion of public laws. Thus they can form a State of nations (civitas gentium / Völkerstaat), one, too, which will be ever increasing and would finally embrace all the peoples of the Earth. States, however, in accordance with their understanding of the law of nations, by no means desire this, and therefore reject in hypothesis what is correct in thesis. Hence, instead of the positive idea of a world-republic, if all is not to be lost, only the negative substitute for it, a federation averting war, maintaining its ground and ever extending over the world may stop the current of this tendency to war and shrinking from the control of law.*”

Therefore, Kant proposed this intermediary step of a “League of Nations” which works for peace and to avert war.

What concretely gave birth to the League of Nations was the civilizational collapse that was the First World War. And it was the magnitude and barbarity of the crimes committed by the Nazis during the Second World War

which eventually forced the Allies to take measures in order to hold those responsible to account. This led to the creation of a new type of “civitas maxima”: one not only embodied by the founding of the United Nations, but also one that allowed for the indictment and trial of individuals for crimes under customary international law in Nuremberg, which went beyond the justice of the victor. This sketch of a “civitas maxima” proved that it was possible to surpass State sovereignty in order to prosecute war criminals who thought they would be protected by the very same State sovereignty.

International justice remains dependent on the political power of individual States, and their willingness to prosecute crimes. Tools currently used by international justice are often too weak to implement the cosmopolitical need of another “civitas maxima”: the one that enables victims, and their defenders, to take the alleged perpetrators, wherever they are, to court. In other words, the very notion of “civitas maxima” calls for more than geopolitics; to create a confluence of universality, humanity, and the victim’s own singularity, even when the responsible State may be at fault, or even when the international community of States has failed.

The cosmopolitical perspective entailed in “civitas maxima” allows us to think of a new type of sovereignty, an open sovereignty, one that makes sense only if it protects the fundamental rights of its citizens, and – by extension – of all humans as citizens of the world.

This granted the right to prosecute crimes committed in Rwanda, Cambodia, or Srebrenica in the hybrid and international tribunals in Arusha (the International Criminal Tribunal for Rwanda), Phnom Penh (the Extraordinary Chambers in the Courts of Cambodia), and The Hague (the International Criminal Tribunal for the former Yugoslavia or the International Criminal Court); as well as in national courts in Madrid, London, Paris, Dakar, Brussels, Bellinzona, and Philadelphia through another tool of international law: the use of universal jurisdiction. This is the creation of another type of justice, one that encompasses cosmopolitical justice for citizens of the world: that of a new “civitas maxima”.

Valéry Pratt, PhD in philosophy (EHESS, Paris), is a teacher in preparatory classes at the Lycée Berthollet in Annecy. He is the author of “*Nuremberg, Human Rights, Cosmopolitanism. For A Philosophy Of International Law*” published by Le Bord de l’eau in 2018.

“Sovereignty makes sense only if it protects the fundamental rights of its citizens”

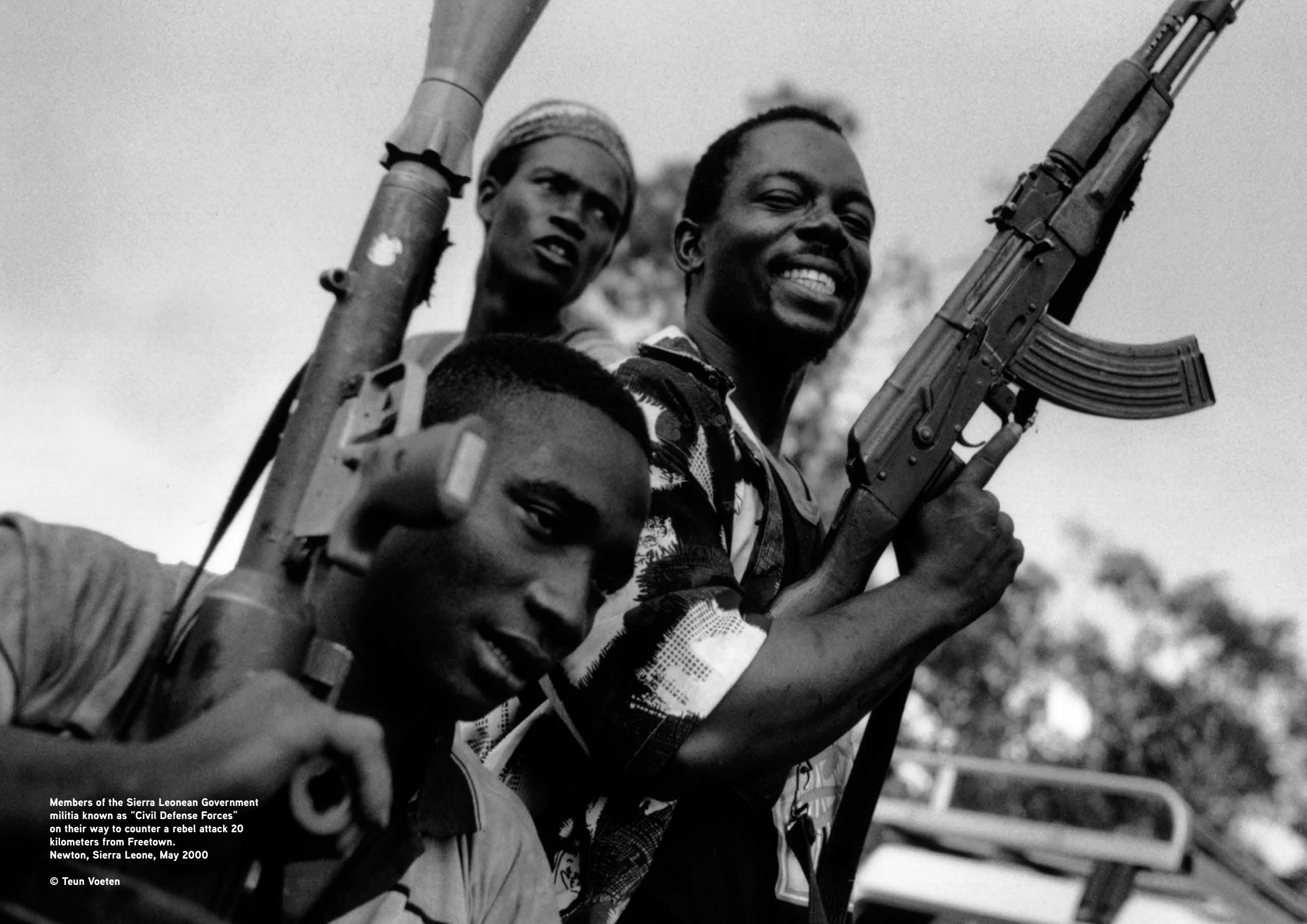
Part One

Legal



Liberian Government soldier standing guard in the rain in the town of Ganta which had just been recaptured from rebels by the then-President Charles Taylor's armed forces. Ganta, Liberia, June 2003

© Teun Voeten



Members of the Sierra Leonean Government militia known as "Civil Defense Forces" on their way to counter a rebel attack 20 kilometers from Freetown. Newton, Sierra Leone, May 2000

Since 2013, Civitas Maxima has been representing victims of the crimes allegedly committed by Agnes Reeves Taylor (ex-wife of Charles Taylor, founder and leader of the NPFL rebel faction) during the early stages of the First Liberian Civil War in 1990.

The UK authorities launched an official investigation into Ms Reeves Taylor after Civitas Maxima transmitted information to them about her alleged crimes. The investigation lasted for several years, and on 2 June 2017 Ms Reeves Taylor was charged and placed in pre-trial detention.

The criminal trial was scheduled to commence in February 2019 at The Old Bailey in London, after Ms Reeves Taylor made a number of unsuccessful applications, including to the UK Court of Appeal, to have the charges against her dismissed.

However, the trial was postponed in early February when the UK Supreme Court announced it would hear a further appeal from Ms Reeves Taylor on the legal arguments that had been dismissed by the Court of Appeal.

In November 2019, the Supreme Court rendered its decision on the legal arguments, which unfortunately led to the dismissal of the charges against Ms Reeves Taylor a few weeks later, in spite of there being credible allegations of torture against her.

Court sketch of Agnes Taylor during the trial. London, UK, 2017

The Historic Impact of the *R v Reeves Taylor* Supreme Court Decision



Olympia Bekou

Professor and Head of the International Criminal Justice Unit,
The University of Nottingham

On 13 November 2019, the Supreme Court of the United Kingdom handed down its decision in *R v Reeves Taylor v Crown Prosecution Service* [2019] UKSC 51. This was a landmark decision in which the UK's highest court confirmed that members of rebel groups who exercise government-like functions over a civilian population, for example during a civil war, may be prosecuted for crimes of torture under UK and international law. This was a historic judgment that will likely pave the way for vital prosecutions of members of insurgent groups, such as ISIS, as it confirms that States have a duty to prosecute acts of torture by members of such groups.

The Supreme Court's decision was rendered in the context of the prosecution of Agnes Reeves Taylor by the Crown Prosecution Service (the Prosecution) on charges of torture and conspiracy to commit torture contrary to section 134 of the Criminal Justice Act 1988 – which implements the UK's obligations under the 1984 United Nations Convention against Torture (the Torture Convention) to prosecute foreign crimes of torture on the basis of universal jurisdiction.

While the Supreme Court agreed with the Prosecution's arguments regarding the correct interpretation of the phrase "*person acting in an official capacity*" in the UK law, and disagreed with Ms Reeves Taylor's argument (see p.15), it decided to refer the case back to the Central Criminal Court (The Old Bailey) to reconsider whether the trial should proceed – in light of its modified interpretation of the "*official capacity*" test (explained below), and in light of further evidence submitted by a Prosecution expert.

This ultimately resulted in the dismissal of the charges against Ms Reeves Taylor by the Central Criminal Court a few weeks later, on the basis that the Prosecution had not provided sufficient evidence that the Supreme Court's "*official capacity*" test could be satisfied at trial. However, while it dismissed the charges against her on this legal point, the Central Criminal Court noted the credible evidence from the Prosecution that Ms Reeves Taylor was a high-ranking member of the National Patriotic Front of Liberia (NPFL), and that she carried out (whether personally, by giving orders, or by acquiescing in) the acts of torture she was charged with.

Prior to the Supreme Court's decision in this case, the highest UK authority on the meaning of the phrase "*person acting in an official capacity*" was an earlier decision of the Central Criminal Court in the *R v Zardad* case in 2004. The Supreme Court in *R v Reeves Taylor* addressed this prior decision – finding it compelling and instructive on many key aspects. The Supreme Court thus largely confirmed, though slightly modified, this earlier decision in deciding the correct interpretation of the phrase, and the key aspects of the so-called "*official capacity*" test.

Key aspects of the Supreme Court's "*official capacity*" test

One key aspect of the Supreme Court's decision was its emphasis that the exercise of "*governmental functions*" by the rebel group in question is critical in order to fulfill the "*official capacity*" test, and thus for a member of the group to be capable of being prosecuted for torture. This interpretation differed from the earlier Court of Appeal's formulation of the test, which the Supreme Court stated was based on an erroneous interpretation of the phrase.

“This was a historic judgement that will likely pave the way for vital prosecutions of members of insurgent groups, such as ISIS, as it confirms that States have a duty to prosecute acts of torture by members of such groups”

The Supreme Court distinguished the exercise of “*governmental functions*” from purely “*military activity*” by rebel groups. This was ultimately the sticking point upon which the charges against Ms Reeves Taylor were dismissed by the Central Criminal Court – because the court considered that the Prosecution had not provided sufficient evidence for a jury to find at trial that the NPFL, which Ms Reeves Taylor was a member of, was exercising the required governmental functions in the area, and at the time, the crimes were allegedly committed.

Also of significant legal importance in respect of future cases was the Supreme Court’s conclusion that the continued existence of a central government with control over some parts of the country would not prevent a rebel group with control over other parts of the country (in which it exercised “*governmental functions*”) from being a *de facto* government in that area. As this is often the case in many contemporary wars where rebel groups engage in armed insurrection against the government of a State, this interpretation will be critical in providing for the prosecution of members of such rebel groups for acts of torture.

***R v Reeves Taylor* in context**

Acts of torture are prohibited and/or criminalised under various bodies of international law. The Torture Convention is an international human rights treaty prohibiting acts of torture that involve public officials (e.g. police or government agents) or “*persons acting in an official capacity*”. As a result, countries prosecuting alleged perpetrators of torture under their domestic laws that implement this treaty can only prosecute individuals who fall within the meaning of that phrase. Under international humanitarian law, all parties to an armed conflict are prohibited from engaging in acts of torture, and such acts are criminalised and can be prosecuted under international criminal law as war crimes and crimes against humanity. The scope of persons who can be prosecuted for torture as a war crime or crime against humanity is broader than under international human rights law, as the involvement of a State official or other authority-wielding person in the torture process is not required. As a result, countries prosecuting alleged perpetrators of torture as a war crime or crime against humanity under their domestic laws that implement these international crimes are not limited to prosecuting only persons who had an official position or capacity at the time.

“Without the dedication of Civitas Maxima and the GJRP it might have taken years longer for a UK Supreme Court decision on this vital question of law”

Even under the Torture Convention, the scope of persons who can be prosecuted for acts of torture has been slowly broadening, as several international and national bodies and courts have considered the phrase “*other person acting in an official capacity*” to be capable of capturing a wider category of perpetrators. In the early 2000’s, around the time the *Zardad* case was decided in the UK, the United Nations body with a mandate to monitor States’ compliance with the Torture Convention made a series of contradictory decisions that

demonstrated the body’s reluctance to interpret this phrase more broadly than it previously had. The Supreme Court’s decision sits within this context and provides an authoritative, as well as the broadest, interpretation of this phrase to date. As a result, rebel group members who are not “*public officials*” can nonetheless be prosecuted for acts of torture under the Torture Convention if the group they are associated with fulfills the requirements of the “*official capacity*” test.

Broader impact of the decision

The *R v Reeves Taylor* decision from the Supreme Court reflects the increasing trend towards holding non-State actors such as rebel/insurgent groups accountable for the international crimes they are involved in, as well as arguably supporting the still-controversial view that such groups are bound by international human rights obligations. Regardless of the ultimate destination in this respect, it is undeniable that this decision has taken us one step closer to that position.

For some, this somewhat lessens the devastating blow of the dismissal of the charges against Ms Reeves Taylor by the Central Criminal Court. With the way now paved for future prosecutions in the UK of members of rebel groups for acts of torture, this case stands as a significant success for Civitas Maxima, the Global Justice and Research Project (GJRP), the victims, and the interests of justice globally.

Without the dedication of Civitas Maxima and the GJRP to gather and provide the information to the UK authorities which led the Metropolitan Police to conduct an investigation into Ms Reeves Taylor, and without the immense bravery of the victims to provide evidence against such a high-ranking rebel commander and ex-wife of the former President of Liberia, Charles Taylor, it might have taken years longer for a UK Supreme Court decision on this vital question of law.

Key Facts About The Trial

What the UK law says: only persons who are public officials (e.g. police or government agents) or other persons “*acting in an official capacity*” can be prosecuted for torture.

What Ms Reeves Taylor argued: only persons who act for or on behalf of the government of a State can be prosecuted for torture.

What the Prosecution argued: persons “*acting in an official capacity*” can include members of rebel groups that exercise government-like functions.

What the Supreme Court decided: persons “*acting in an official capacity*” can include members of rebel groups who exercise government-like functions.

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Boy in a Bart Simpson T-shirt living in a squatter house near the beach during the Civil War. Monrovia, Liberia, June 2003

The Investigative Mission that Made Liberian History

Kanyean Molton Farley
Head of Investigations, GJRP

In June 2019, Civitas Maxima reported that the Liberian and French authorities had collaborated on a historic fact-finding mission in Liberia relating to the ongoing French judicial investigation of Kunti K., former commander of the United Liberation Movement of Liberia for Democracy (ULIMO) rebel faction. This investigation commenced in mid-2018 after Civitas Maxima filed a criminal complaint with French prosecutors regarding Kunti K.'s alleged commission or command of multiple crimes against humanity during the First Liberian Civil War, including torture, recruitment and use of child soldiers, murders, acts of cannibalism, and enslavement, in Lofa County in Northwestern Liberia.

Prior to this mission, the French authorities, assisted and supported by the Global Justice and Research Project (GJRP) and Civitas Maxima, had conducted research and investigations in Europe. As with any criminal investigation, at some point it becomes crucial to visit the scene of the crime. Thus, the French judicial authorities decided to travel to Liberia to undertake crime scene reconstructions at multiple sites.

“I couldn’t help but think that this was a significant turning point – Liberian authorities investigating war-time crimes on Liberian soil for the very first time since the end of over a decade of vicious and brutal Civil War”

The French authorities’ request for authorization to investigate in Liberia in 2018 was not the first of its kind: since 2015 various European authorities officially requested to be allowed to come to Liberia to conduct investigations relating to war-time crimes, but such formal authorization by the Liberian Government never materialized.

Nevertheless, the French authorities persisted, and requested authorization from their Liberian counterparts to conduct crime scene reconstructions on the ground. What happened next surprised us all: in an unprecedented move, the Liberian Government swiftly granted the French authorization. This was truly groundbreaking, as it enabled the first formal investigation by a foreign authority in Liberia, and the very first time the Liberian authorities were involved in an investigation of war-time crimes.

On behalf of the GJRP, I accompanied the mission and facilitated their trip to Lofa County in Northwestern Liberia. The mission included the French prosecuting authorities, the investigating judge, Kunti K.’s defense lawyers, the civil parties (including Romain Wavre, Legal Counsel, representing Civitas Maxima), and Liberian police investigators. We spent several days in Foya, Lofa County, doing crime scene reconstructions. During these reconstructions we visited crime scenes with key witnesses and victims who explained in detail to the French authorities, as well as the Liberian investigators, exactly where the crimes that they survived or witnessed happened.

I remember thinking at the time that members of the French delegation, as well as the Liberian police officers, had most likely only read or heard about these events, and therefore standing with their own two feet in the places where people had been executed and tortured, and hearing stories directly from survivors at the crime scenes, must have made the events tangible for them in a way they never could have experienced without this mission. Indeed, I think that thanks to the reconstruction, they could visualize where and how the crimes were committed, and understand how the witnesses’ stories corroborate one another and actually took place in the villages concerned.

This mission was not only important for the French and Liberian officials who undertook the journey to Lofa County. To explain what this mission meant for Liberians, I will share an anecdote from our trip: given that we were a sizable group, the reconstruction exercise attracted a lot of attention from the communities we visited. When we were in the city of Foya, an old fellow approached me. He was limping and had trouble walking, but he slowly made his way up to me in a determined fashion. He asked what we were doing in his town.

As I explained to him that we were trying to understand what happened there during the war his face lit up and he started thanking me profusely. *“You are more than welcome to investigate! It’s about time somebody did that!”* he exclaimed, *“My people suffered here”*.

Following the mission, the GJRP and Civitas Maxima congratulated the Liberian Government for this momentous step in fulfilling their international obligations. This mission required significant logistical resources, and the contribution of the Liberian authorities was exemplary. The mission ran smoothly and effectively thanks to their great collaboration and teamwork.

Indeed, I had the privilege of observing a very motivated group of Liberian police officers conscientiously investigating war-time crimes. They took the task at hand very seriously – thoroughly searching for additional evidence, and were eager to learn from their French counterparts. I couldn’t help but think that this was a significant turning point – Liberian authorities investigating war-time crimes on Liberian soil for the very first time since the end of over a decade of vicious and brutal Civil War.

“Hopefully this new stand from our government will soon also be felt at home when it comes to addressing the issue of impunity”

This mission also marked a very important development in the fight against impunity for crimes that were committed in Liberia during the wars, since, following the French mission, two other European authorities were welcomed with the same attitude by the Liberian Government.

Hopefully, this new stand from our government will soon also be felt at home when it comes to addressing the issue of impunity. It is time for Liberia to set up some kind of mechanism to deal with the war-time crimes committed in our country, as duly recommended by the Liberian Truth and Reconciliation Commission back in 2009.

While a lot of work still remains for us to push for accountability measures in Liberia, when it comes to collaborations between the Liberian authorities and other countries on cases abroad, a new door was unquestionably opened by this landmark mission.

Kanyean Molton Farley is Head of Investigations at the GJRP. He has been working with the GJRP since its establishment in 2012. During the Liberian Civil Wars, Mr Farley was forced to flee Liberia and lived in refugee camps both in Ivory Coast and Ghana, where he worked for the International Committee of the Red Cross. His photograph is withheld for security reasons.

LIBERIA NATIONAL POLICE

ZORZOR DISTRICT,

LOFA COUNTY R / L

VISITING HOURS:

MORNING 10:00 - 11:00
EVENING 4:00 - 5:00



Zorzor's Police Station, Northeastern Liberia.
The photograph was taken during the joint
mission (see p.18).
Zozor, Liberia, 2019

The Unexpected Release of Kunti K. from Pre-trial Detention in France

Legal Unit, Civitas Maxima

In September 2019, Civitas Maxima reported that Kunti K., a former commander of the United Liberation Movement of Liberia for Democracy (ULIMO) rebel faction – who was arrested in France in September 2018 while trying to flee the country – had been released from pre-trial detention. This was a significant disappointment to Civitas Maxima, as we had filed the criminal complaint with French prosecutors that triggered their investigation and subsequent arrest of Kunti K. in September 2018.

As reported by news outlets at the time, Kunti K.'s release resulted from an administrative error by the office of the investigating judge, which precluded his pre-trial detention from being prolonged, as had been expected. Kunti K. was thus placed on conditional release despite the gravity of the charges against him, the flight risk he posed, and the substantial evidence already obtained against him.

This incident provides a stark example of the impossibility of foreseeing, and thus having the possibility of acting to prevent, the innumerable administrative, procedural, and formal technicalities that can hinder criminal prosecutions of this nature. The intricacies of domestic legal rules and procedures, as well as human error and a range of other factors, can unexpectedly hamper and even thwart prosecutions – even when we exercise our best efforts, and have the benefit of past experience.

The potential consequences of the administrative error that was made in this case were manifold: not only was Kunti K. a proven flight risk who had already attempted to flee France and evade justice, but he also had access to the identities of victims and witnesses who provided evidence against him in the French investigation. This was of serious concern to Civitas Maxima and the Global Justice and Research Project (GJRP), as experience has shown that the risk posed to victims and witnesses who testify against alleged war criminals can increase when the accused is released.

An example of this can be seen in the case of George Boley, former leader of the Liberian Peace Council (LPC), who reportedly made threats (himself or through others) against several of his victims upon returning to Liberia in 2012 after being deported from the U.S. on charges of child soldier recruitment and use, and extrajudicial killings, in Liberia in the 1990s. Unfortunately, once he returned, Boley benefitted from the complete impunity in Liberia in respect of war-time crimes, and ultimately won a seat for Grand Gedeh County District #2 at the National Legislature in the 2017 elections.

The risks which could have materialized following Kunti K.'s release ultimately did not, thanks to his own actions breaching the conditions placed on his release – within only 4 months of having been released from pre-trial detention. As a result, Kunti K. was re-arrested in January 2020 and placed back in pre-trial detention. Despite the lucky result in this situation, the question remains:

How could an incident like this be predicted or guarded against?

The answer to this question is not readily apparent – both in terms of how Civitas Maxima, or the civil parties' lawyer, could have predicted, prevented, or rectified the human error that resulted in Kunti K.'s release.

The best predictions – based on the significant progress in the investigation against Kunti K. up to that point – pointed towards his pre-trial detention being prolonged, due to the weight of evidence already collected against him. This included not only information filed by Civitas Maxima in its complaint to French prosecutors in July 2018 (including witness narratives concerning Kunti K.'s alleged commission or command of crimes against humanity), but also evidence collected by the investigating judge responsible for the case during his year-long investigation. This included direct testimony from numerous victims and witnesses, as well as evidence gathered during crime scene reconstructions carried out during the historic fact-finding mission to numerous locations in Liberia by the French and Liberian authorities in April 2019 (see p.18).

With the impossibility of predicting Kunti K.'s release – it follows that there was no, or very little, scope for Civitas Maxima or the civil parties' lawyer to try to prevent it from occurring. However, we were able to react immediately upon news of his release – exhausting all of the limited options available to try and have him re-arrested. Some measures were taken by the authorities, including the prosecutor who (albeit unsuccessfully) appealed the decision to release Kunti K., and the policing forces involved monitored his compliance with the conditions placed on his release. These efforts should be applauded, though they initially proved fruitless, and Kunti K. was allowed to remain on conditional release until he breached the conditions months later.

“The pursuit of justice can be a fragile and tenuous endeavor, [...] every effort must always be made by the national authorities investigating and prosecuting suspected war criminals to ensure justice is not evaded”

While Kunti K. remained on conditional release, the potentially heightened risk to the victims and witnesses who had already testified against him remained. Thankfully, Civitas Maxima is aware from past experience that we cannot always rely on national authorities to safeguard the victims and witnesses involved in the cases they prosecute, especially those who remain in the countries where the crimes occurred. We were therefore prepared to take steps to mitigate potential risks posed by Kunti K.'s release.

As an organization representing many victims of crimes allegedly committed by former warlords and war profiteers, our paramount duty is to mitigate as much as possible the risks that may be posed to victims and witnesses as a result of their involvement in the prosecutions we assist authorities on. We therefore created, with the GJRP, an overarching system in Liberia that involves constant contact with victims and witnesses, means of getting early warnings of possible threats, and monitoring and response capabilities – for example in case relocation of a victim or witness is deemed

necessary. This system is crucial on an ongoing basis, and in particular when potential risks arise, such as those posed by the release of Kunti K.

Thankfully in this case, the interests of justice were not thwarted, and the safety of Kunti K.'s victims appear to have not been subjected to further risk. However, this fortuitous outcome should not take away from the important lessons to be learned – that the pursuit of justice can be a fragile and tenuous endeavor, that every effort must always be made by the national authorities investigating and prosecuting suspected war criminals to ensure justice is not evaded, and that our close local partnerships enabling quick measures to be taken for the safety of victims is vital.

The Samson Effect: the Strength of Justice is in the Voices of Victims



Dato' Shyamala Alagendra

Gender & Child Rights Advisor, IIMM

The legend of Samson is known to many: in the biblical Book of Judges, the secret to Samson's prodigious strength lay in his hair. When it was cut off, he was powerless and physically unremarkable. In criminal accountability, the voice and role of victims imbues the process with incredible strength, and is a cornerstone of its legitimacy. Shorn of a role, survivors would be relegated to mere spectators of a process that – properly considered – they rightfully own.

“Mass atrocities” – one should pause and consider the magnitude of that awful phrase that we hear too often. Contained within it are nightmares of depravity, cruelty, and evil that have been inflicted on countless children, women, and men. No continent has been spared. It was with this in mind, and building upon the foundations of Nuremberg and the *ad hoc* Tribunals for the former Yugoslavia and Rwanda, that the Rome Statue of the International Criminal Court (ICC) recognized that “*during this century millions of children, women and men have been victims of unimaginable atrocities that deeply shock the conscience of humanity*” and resolved “*that the most serious crimes of concern to the international community as a whole must not go unpunished*”.

The ICC, and later the Extraordinary Chambers in the Courts of Cambodia (ECCC) and the Special Tribunal for Lebanon (STL), gave particular rights to victims and survivors to participate in proceedings – either as parties or with party-like rights. The Special Court for Sierra Leone (SCSL) and the Special Panels for Serious Crimes (East Timor) did not provide such a distinct role for victims in the criminal proceedings, though victims and survivors were given the opportunity to be present and participate in criminal trials as prosecution witnesses. Whatever the model – international, hybrid, or national – I have witnessed first-hand the tremendous, and sometimes transformational, impact that testifying in proceedings can have – not only for the individual, but also for the class of victims who are represented through his/her testimony, for families, and for entire communities.

I recall vividly my experience with a teenage boy in Sierra Leone who had been abducted and forcibly recruited as a child soldier at a tender age during the Civil War. He had spent several years with the Armed Forces Revolutionary Council (AFRC) as a captive child soldier, brutalized by his captors, who – amongst so many cruel acts inflicted on him – had also carved “AFRC” into the skin across his chest. Long after the war was over the scars remained: a physical reminder which kept him psychologically caged in the cell of his cruel past. In 2005, I met an understandably fearful and very timid boy. In our many interactions leading up to his testimony, he would keep his gaze down and avoid eye contact. He would speak in an unusually quiet voice, and appeared just so sad all the time. I led his testimony in the AFRC trial before the SCSL where he gave evidence in the presence of the three accused AFRC commanders. I recall his voice getting progressively louder, and his demeanor becoming more and more confident, as he testified. At one point, he was asked to show the court the scars across his chest. He undid his shirt buttons and held his shirt open so that the judges and the men on trial – who he turned and faced without prompt – could see his scars. I remember to this day the way he faced the former commanders – somewhat defiantly – and looked them in the eye. I was struck by the transformation I saw in him afterwards as well. He was visibly emboldened as he told us that he was “*happy*” that he had “*punished the big men*” in court that day. Testifying at the SCSL was unquestionably a defining moment in this child's life – when he visibly stepped out of his brutal past. I met him several more times during my years in Sierra Leone, and I never again saw the downcast boy I first met. This is one of the numerous experiences I have had working with survivors – which seared into my consciousness the power of the law, the injustice and cruelty that it must confront, and what it means to survivors to be afforded the opportunity to confront their perpetrators through testifying at a trial.

“The law has a particular duty to the weakest, most marginalized, most oppressed [...] When the law ‘sees’ and recognizes survivors, it can have a hugely positive impact”

It is trite to say, though undeniable, that it is frequently the weakest members of society who are disproportionately impacted by atrocity crimes. Those who have not had the privilege of education, who have been excluded and marginalized even before conflict breaks out, often bear the brunt of war. Long before conflict impacted them, injustices of life have had an effect to make them feel that society views them as worthless. If consideration is not had for these individuals by the criminal investigations and prosecutions that come after atrocity crimes, such feelings of exclusion are only reinforced. Conversely, if the crimes inflicted upon them are recorded, if their accounts are taken and preserved, and if they are given the opportunity to testify, it can be as if the invisible feel that they are seen and heard – sometimes as if for the first time. An opportunity to be heard is vital for victims and survivors. I led a victims' case in Sierra Leone concerning abuses allegedly committed by ECOMOG peacekeepers against civilians. This class of victims and perpetrators had sadly escaped the SCSL net for whatever reason. The victims we engaged with said they had been waiting for almost 20 years for an opportunity to give their accounts of abuse to a court that would hold their perpetrators accountable. Denied this opportunity, victim after victim said they had not been able to move on with their lives. The mere act of recording statements and filing a constitutional case before the Supreme Court of Sierra Leone made them feel respected – they said that their suffering was finally being recognized, and someone was acknowledging that unacceptable acts had been inflicted on them and their families. The fact remains, however, that like many victims around the world, they await a proper forum of criminal jurisdiction to adjudicate crimes that should never have been endured. They spoke to me, but they still want their day in court. “*I will sleep after I testify in Court*” were the words of one of the victims said to me, which resonate with me to this day. It is for lawyers, NGOs, and the international community to collectively ensure that these victims' very reasonable and legitimate demands for justice are realized.

“Every life matters” – this axiom cannot be allowed to be relegated to a cliché. The law has a particular duty to the weakest, most marginalized, most oppressed, and victimized. Indeed, it has a duty to every victim regardless of perceived station in life. When the law “sees” and recognizes survivors, it can have a hugely positive impact on their wellbeing, psyche, and future prospects.

Whilst the main objective of criminal justice is to establish the truth and determine whether the accused is found criminally responsible beyond reasonable doubt, it is also true that the process represents an opportunity – and a vital one – for victims. They are not appendages or case-files merely there to prove a case. Rather, they represent the beating heart of justice. Their role, their voice, and their interests are the lifeblood of any judicial system or legal model that hopes to engender public confidence in the rule of law.

In Shakespearean times, the disparity between the mighty and the weak, the rich and the poor, was eloquently expressed in King Lear:

*“Through tattered clothes great vices do appear;
Robes and furred gowns hide all. Plate sin with gold,
And the strong lance of justice hurtless breaks.
Arm it in rags, a pigmy's straw does pierce it.”* (1)

Thankfully the law has moved on. It had to and it still has quite a way to go. We applaud the victims who participate in accountability processes and who courageously testify – they are, after all, the real heroes of the story they must be allowed to tell.

(1) *King Lear*, Act 4, Scene 6

Dato' Shyamala Alagendra is Gender & Child Rights Advisor with the Independent Investigative Mechanism for Myanmar (IIMM). She served as a Prosecution lawyer at the Special Panels for Serious Crimes (Timor Leste), the SCSL, and at the ICC. Ms Alagendra worked as an Assistant Director of Public Prosecutions (ADPP) in the Office of the Director of Public Prosecutions of Fiji. She acted as Defence Counsel at the STL, EULEX Court (Kosovo), and at the ICC (in both Kenya cases and for Saif Al-Islam Gaddafi). She also represents victims of human rights violations and sexual abuse in several jurisdictions in Africa and Asia.

'Jungle Jabbah' Witnesses say Testifying gave them Peace

James Harding Giahvue

Throughout Liberia's First Civil War (1989-1996), Mohammed Jabbateh, a.k.a "Jungle Jabbah", was a commander in the rebel group United Liberation Movement of Liberia for Democracy (ULIMO) and later in the ULIMO-K splinter faction.

In 2017, "Jungle Jabbah" stood trial in a federal court in the U.S. for immigration fraud and perjury charges.

"Jungle Jabbah" was charged with two counts of fraud in immigration documents and two counts of perjury stemming from statements he made in connection with his applications for asylum and later for legal permanent residence in the U.S.

"Jungle Jabbah" was accused of either personally committing or ordering his troops to commit numerous mass atrocities during his time as a high ranking officer, including murder, enslavement, rape, torture, and recruitment of child soldiers.

In 2018, "Jungle Jabbah" was sentenced to 30 years in jail. Civitas Maxima provided the initial information and facilitated the investigation.

Court sketch of "Jungle Jabbah" during the trial. Philadelphia, U.S., 2017

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Garwula District, Grand Cape Mount County – In September 2017 John, Haja Fahnbulleh, two siblings and Satta, their brother's wife, left their village here and boarded their first international flight, headed to Philadelphia in the United States. The three went on that long trip to do something no other Liberian had ever done: testify against the man who murdered loved ones and committed atrocities against them during the Liberian civil war.

In Philadelphia, the three joined 20 other Liberian witnesses flown in to testify in the trial of Mohammed Jabbateh, the terrifying general with the United Liberation Move of Liberia for Democracy (ULIMO) who went by the alias "Jungle Jabbah" in the early years of the war. With Jabbateh sitting only 12 feet away in the defendant seat, the witnesses told a shocked and weeping jury tales of torture, rape and cannibalism by Jabbateh and soldiers under his command.

Satta's testimony, more than any other, left the 12 Philadelphians in the jury visibly moved. Jabbateh, she told the court, ordered his Zebra Battalion to kill her husband (Haja's and John's brother). They then cut out his heart and forced Satta, then four -months pregnant, to cook it so Jabbateh and his men could eat it.

Satta spoke carefully, stopping now and then to weep, as she recalled the words of the young rebel who delivered the order.

"Make yourself strong, ma," he said. "If you don't do it, he'll kill us both."

The Philadelphia Federal courtroom has become centerstage for those seeking justice for Liberia's civil wars. With no war crimes court yet established in Liberia, Pennsylvania District Attorneys Linwood C. Wright and Nelson Thayer, with the help of Civitas Maxima and Liberia-based Global Justice Research Project (GJRP), have made it their mission to prosecute war criminals hiding from justice in the diaspora. Jabbateh was given a 30-year maximum jail sentence, the longest ever given for such an offense by a US court. Eighteen months later, a jury in the same courtroom convicted Thomas Woewiyu,

the former number two to Charles Taylor, for criminal immigration fraud, also for lying about war crimes. He also faces a 30-year prison term when he is sentenced later this year.

Testifying before the court required tremendous courage on the part of the witnesses who were seeing their torturer for the first time in nearly 30 years.

Hassan Bility of GJRP identified the witnesses. He praises Satta, Haja and John and all the other witnesses who testified in the trials of Jabbateh and Woewiyu for their strength amid fear, threats and the lack of interest by the Liberian government to prosecute the country's wartime crimes.

"Their coming forward to testify was the beginning of the end of the blanket of fear that had covered victims of the two Liberian civil wars," says Bility. "Now, that role has been reversed, thus swinging the pendulum of justice and putting all the victims in the position to make history and to break the chain of silence and remove the blanket of fear that covered their desire for justice and accountability," he adds.

Nearly two years since the trial, Satta, Haja and John (their real names and village are withheld for fear of reprisal) say they are glad to have taken part in the trial.

Satta sits next to a hearth where she is smoldering fish she sells to sell and feed her family. She says the trial has brought her a measure of peace for the first time since the attack. She still grieves for her husband "but not like before" the trial. Her son, whom she was carrying when her husband was killed, is graduating from high school this year. "Allah is great."

John told the court that another brother was beheaded and his body was set ablaze in the 1995 attack on their village. He also said the trial brought him some peace. "I was free to testify what happened. The grief that was in my heart has gone away," says John. He did not feel any fear to be sitting in front of Jabbateh after all those years. "I felt fine to be in his midst to express myself on what

happened to me and my late brother they killed.”

John says that he relives his testimony in the Philadelphia courtroom each day. He savors the moment the jury found Jabbateh guilty. “When it happened, it was just like an imagination. I was not expecting that,” he says. “His going to jail will not make for my late brother to come back to life, but at least he must bear some consequence for what he did.”

Haja wept bitterly as she told the court that the ULIMO militiamen threw her three-week-old baby into the rainy night and then gang-raped her. She says Jabbateh’s conviction “satisfied” her heart.

“Because the man is bad. He will not do same again,” she said.

Jabbateh was not tried for war crimes but rather, for criminal immigration fraud committed in the United States when he denied his involvement in the war to immigration authorities. But for prosecutors to win that conviction they had to prove that he committed war crimes. The Philadelphia jury accepted the testimony of the witnesses – that he Jabbateh’s sentence is the longest ever given for immigration fraud in the United States. Jabbateh became the first Liberian to be found guilty in connection to the Liberian Civil War (1989-2003) that killed an estimated 250,000 people. (Former President Charles Taylor is serving a 50-year sentence for crimes he committed in Sierra Leone and his son Chuckie Taylor is serving a 97-year term in the United States where he was tried as an American).

More Liberians face charges in the United States and in Europe in connection to crimes they allegedly committed in the civil war. The Philadelphia prosecutors have been advising other prosecutors on their cases. Other than Woewiyu, Moses Thomas, ex-soldier of the Armed Forces of Liberia (AFL) faces civil charges in the same state. Two other ex-ULIMO generals—Alieu Kosiah in Switzerland and Kunti Kamara in France—have been indicted for war crimes and crimes against humanity. Agnes Reeves Taylor, ex-wife of former President Taylor, has been charged with torture in the United Kingdom. And Martina Johnson, former head of the NPFL artillery and mastermind of the “Octopus” crisis in 1992, is still under house arrest in that first ever war crime case against a Liberian anywhere around the world. At least a dozen more investigations are going on in countries around the world with indictments expected shortly.

Many more Liberians have and will be called to testify. Billity says the early witnesses have paved the way for those who will follow. “Like all other witnesses and victims [and] survivors, these individuals pioneered a cause,” he said.

John is urging witnesses to come forward and tell their stories. “The only advice I get for them is that they must feel free,” John says. “They must not be afraid to explain whatever that happened to them.”

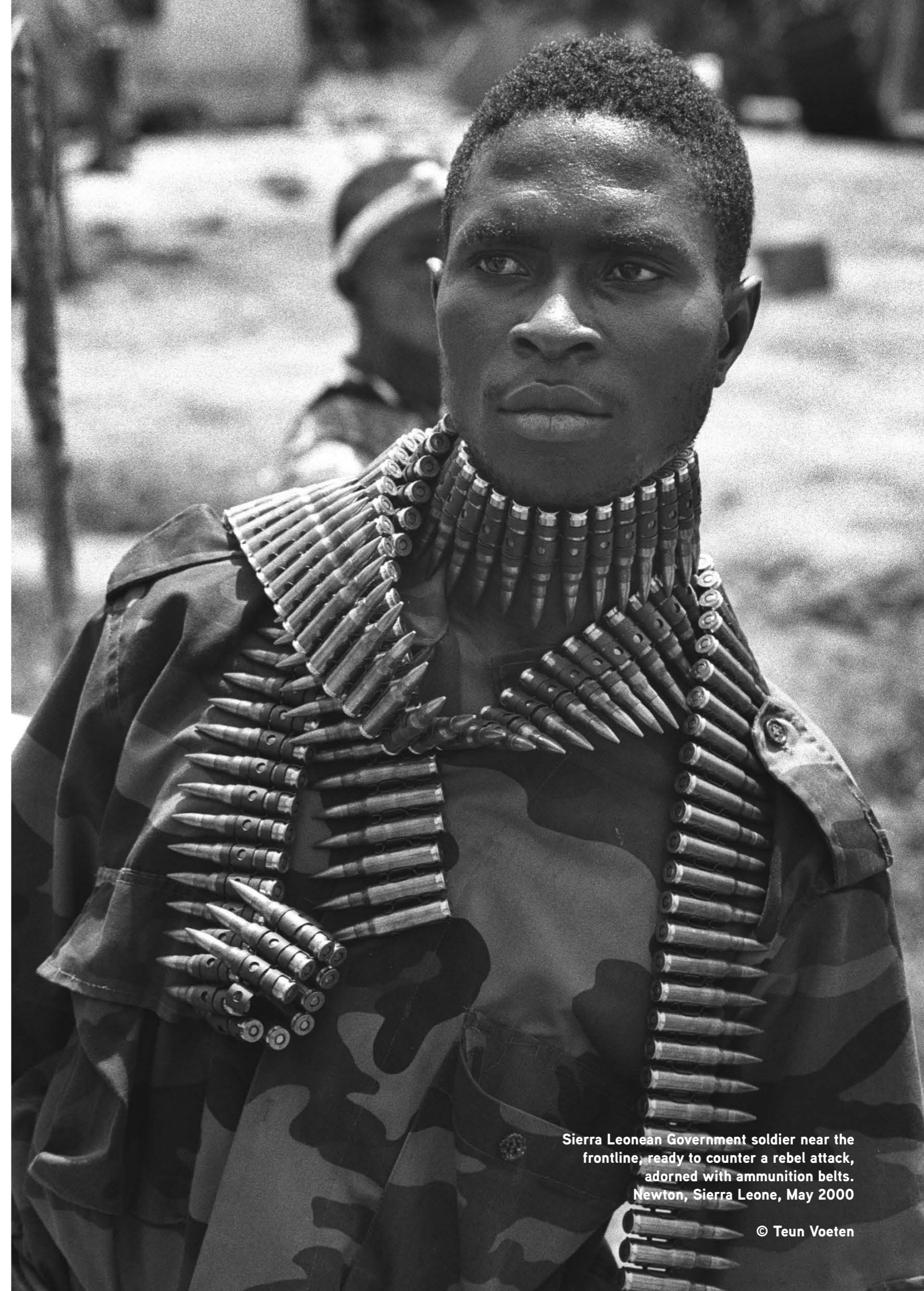
He says dead victims such as his brother were counting on their living relatives and witnesses to crimes to speak for them. “They are in the grave. They will not talk to you, but if you take that challenge they will feel that you work for them.”

Liberia is under immense pressure to set up a war crimes court to address crimes committed during its civil war. The United Nations Human Rights Committee has given the George Weah administration only up to July next year to set up the court and implement other recommendations of the 2009 Truth and Reconciliation Commission report. Satta, Haja and John say they would testify in a Liberian court if they are called.

“If the court comes here and they call me [to testify], I will go [and] tell them what I know,” says Satta. “The thing that happened to us that’s [no] small thing,” she says. “I can do that one.”

“I will go there!” exclaims Haja. “I enjoyed [testifying against Jabbateh],” she adds. “I feel fine because Jungle Jabbah did bad to me.”

“Of course, when that happens here, then the other people who want to (commit crimes) will be afraid,” John says. “They will not be thinking to bring war here anymore.”



Sierra Leonean Government soldier near the frontline, ready to counter a rebel attack, adorned with ammunition belts. Newton, Sierra Leone, May 2000

Justice Delayed, Justice Denied?



Kelsey Guthrie-Jones

Legal Counsel, Civitas Maxima

Civitas Maxima and the Global Justice and Research Project (GJRP) have seen many successes in the eight years since our establishment in 2012. Across Europe and in the U.S., we have contributed to the arrest, and/or conviction of eight high-ranking former commanders or officials of multiple rebel groups who were allegedly involved in widespread atrocities during the Liberian Civil Wars. In these and our other ongoing cases, we have engaged with approximately 800 victims on whose behalf we pursue justice and accountability. While these successes are undeniably significant for a multitude of reasons, they also conceal an uncomfortable truth of the casualties and risks posed by extraordinarily slow-moving proceedings. Particularly in historical cases where the alleged atrocities occurred between 17 and 30 years ago in Liberia, justice delayed can amount to justice denied for the victims and witnesses involved if investigations and prosecutions are not undertaken with relative expeditiousness.

“Justice delayed can amount to justice denied [...] if investigations and prosecutions are not undertaken with relative expeditiousness.”

Of the many concluded and ongoing cases Civitas Maxima has been involved in, it is only the minority that have progressed at a worryingly slow pace, some with no end in sight. This is precisely the case in respect of the criminal prosecution by Belgian authorities of Martina Johnson, a former front-line commander of Charles Taylor’s National Patriotic Front of Liberia (NPFL) rebel faction during the First Liberian Civil War (1989-1996).

Ms Johnson was arrested over five and a half years ago, in September 2014, for her suspected involvement in war crimes and crimes against humanity, including mutilation and mass killing, allegedly committed during the infamous “Operation Octopus” during the First Liberian Civil War in 1992. However, even this protracted time period since her arrest and indictment does not accurately reflect the extraordinary

length of the proceedings: which were first initiated over eight years ago, in January 2012, with the filing of a criminal complaint with Belgian prosecutors by a Belgian lawyer who Civitas Maxima partners with, Luc Walley. In the context of crimes that were allegedly committed by Ms Johnson 27 years ago, this slow-moving process is incredibly problematic. Not only is this the longest-standing investigation that Civitas Maxima has been involved in, but there is also no clear end in sight with the investigation still ongoing.

Justice delayed before international and hybrid accountability mechanisms

National prosecutions of alleged war criminals are not the only proceedings that can suffer from extraordinarily long processes. International and hybrid criminal courts and tribunals have also suffered from extremely long-running proceedings – however these extended timeframes must be placed within the context of the vast scale of such cases – with as many as hundreds or thousands of victims and witnesses involved, and often multiple accused.

Of the seven cases before the International Criminal Court (ICC) that have proceeded to conviction or acquittal since it was established in 2002, the vast majority ran for between seven to ten years from the issuing of an arrest warrant (investigation would have preceded this) to final judgment. The International Criminal Tribunal for the former Yugoslavia (ICTY) and the International Criminal Tribunal for Rwanda (ICTR) also had some extraordinarily long-running cases of nine and 16 years (involving six accused), respectively, between case initiation and final judgment. The Extraordinary Chambers in the Courts of Cambodia (ECCC) (which were established to prosecute senior leaders of the Khmer Rouge for serious crimes committed during the period of Democratic Kampuchea in the 1970s) have similarly suffered from some long-running proceedings – with Case 002/01 lasting for nine years from the date the accused were detained until final judgment, and Case 002/02 lasting for 11 years from the date the accused were detained to their conviction and sentencing. In Case 003, the accused were investigated by the co-prosecutors for over five years before being charged, and have still not faced trial another five years on.

The casualties of long-running international crimes proceedings

Extended proceedings raise a multitude of dire issues relating to both accused persons and victims/witnesses. In respect of accused persons, long-running proceedings risk violating their right to be tried ‘without undue delay’ or ‘within a reasonable time’. In respect of victims/witnesses, delayed proceedings can endanger their ability to participate in the accountability process. This sadly manifested in the Martina Johnson case in late 2019, with the untimely death of a victim, who was a civil party represented by Mr Walley. This is not the only instance of an elderly or sick victim Civitas Maxima represents sadly perishing before the justice they had fought so hard for was attained.

Unfortunately, deaths of victims and witnesses during proceedings before international or hybrid accountability mechanisms can be even more prolific, due to the vast number of victims and witnesses involved.

When victims or witnesses die in these circumstances, it is not only devastating that they were not able to live to see the day their alleged abusers were brought to justice, but can also hamper or derail the whole accountability process, if vital evidence is lost with their passing. It is undeniably unacceptable for alleged perpetrators of horrific war-time crimes to escape justice merely because impunity prevailed for decades following the conflict, and because proceedings initiated abroad are unnecessarily drawn-out.

Sadly, the distressing headcount of casualties of lengthy criminal proceedings doesn’t stop with victims and witnesses. Accused too can die before the finalization of proceedings against them – leaving victims bereft of the opportunity to see their alleged abuser face justice.

Civitas Maxima’s first direct experience with the death of an accused occurred in 2016 with the sudden and unexpected passing of accused war criminal, Michel Desaedeleer. Mr Desaedeleer took his own life while in custody in Belgium, just one year after he was arrested for his alleged involvement in the illicit blood diamond trade during the Liberian and Sierra Leonean Civil Wars, and just months before he was expected to stand trial. Civitas Maxima and its partners on the case, the Centre for Accountability and the Rule of Law (CARL) in Freetown and Belgian lawyer Luc Walley, had worked for years with Sierra Leonean victims towards bringing Mr Desaedeleer to justice, but his death entailed the end of the criminal case against him. Such a blow is understandably devastating for the victims and witnesses – as their chance to testify before a criminal court about the atrocities they and/or their families experienced, and to face their alleged abuser, suddenly evaporates.

International and hybrid criminal justice mechanisms have also suffered numerous deaths of accused persons. To name just a few – this has occurred before the ICC, ICTY, ICTR and the ECCC – with multiple accused in cases before each of these courts deceased before their arrest, before judgment was rendered, or before serving their full sentence. The ECCC is one of the most striking examples of this – with over half of the accused in Case 002 dying – two of them before standing trial, and one after being convicted and sentenced to life imprisonment.

However, the deaths of accused persons during proceedings before such international and hybrid courts must be distinguished from national proceedings. In many instances before the ICC, accused persons were indicted while still involved in ongoing wars, and died during the course of these conflicts, before they could be arrested. Ongoing conflict and immediate post-conflict complexities also contributed to the significant lapse in time before the ECCC began prosecuting accused persons – as the Khmer Rouge continued fighting in some capacity until their political and military structures were finally dismantled in 1998: 20 years after the crimes in question allegedly occurred. However, when these circumstances are not present – when an accused person dies during the course of a long running national prosecution that finally proceeds after decades of post-conflict impunity – this should not be accepted as an unfortunate, but unavoidable, outcome.

Are long-running proceedings avoidable in international crimes cases?

It must be acknowledged that the task of investigating and prosecuting alleged perpetrators of international crimes in extraterritorial proceedings is inherently complex. It requires difficult and costly investigations and evidence-gathering – often in circumstances where the crimes happened years or decades prior, and the victims and witnesses are located in a foreign country. However, the experiences of many national authorities which Civitas Maxima and the GJRP have worked with proves that these complexities need not preclude expeditious investigations and prosecutions.

Even in situations where external factors have the potential to hamper evidence-gathering – for example when the Liberian Government was not providing authorization for foreign authorities to conduct investigative

missions in Liberia prior to April 2019 (see p.18) – Civitas Maxima and the GJRP are able to assist those national authorities who are sufficiently motivated and willing to find creative workarounds. In 2019, this included, for example, multiple missions by a European authority to neighboring Guinea and nearby Ghana, where Civitas Maxima and the GJRP arranged for victims/witnesses to travel in order to attend interviews with investigators.

Unfortunately, some national authorities which Civitas Maxima has worked with appear to take such circumstances as an opportunity to stall their investigations or prosecutions – sometimes for years – even when perceived obstacles are easily surmountable in our experience.

Civitas Maxima is cognizant that the national authorities who are investigating and prosecuting alleged perpetrators of atrocities during the Liberian Civil Wars can be under-resourced and stretched thin – often with responsibility not only for these kinds of historic international crimes cases, but also for more recent cases – potentially spanning gross human rights abuses and terrorist offences, as well as other domestic crimes. However, in accordance with States’ international obligations, a lack of resources cannot be used to justify delays in such proceedings.

States across the world are also obliged – under international treaties they voluntarily negotiate, sign, and accept into their domestic law – to ensure that impunity is not tolerated for international crimes, including by bringing the perpetrators to justice through national mechanisms where possible. In discharging their international obligations, national authorities must not risk the denial of justice to the victims and witnesses of these horrific crimes by drawing proceedings out for an innumerable number of years.

[Kelsey Guthrie-Jones](#) joined Civitas Maxima in 2018, where she works as Legal Counsel leading and contributing to many of our cases concerning alleged war-time crimes in Liberia and Sierra Leone, collaborating with the relevant national authorities, and assisting with the organizational, legal, and investigative capacity building of the GJRP. She holds an L.L.M. (Master of Advanced Studies) from the Geneva Academy of International Humanitarian Law and Human Rights. Ms Guthrie-Jones previously worked as a Senior Legal and Policy Officer with the Australian Government Attorney-General’s Department (2012-2017).



Liberian victim covers her face
for a photograph.
Liberia, 2015

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How to Accelerate National Proceedings?



Robert Roth

Professor, University of Geneva

The phrases “*slowness of justice*” and “*unreasonable length of proceedings*” are more often associated with the international criminal justice system than with the work of national jurisdictions. A spectacular illustration of this is the Resolution entitled “Strengthening the International Court” adopted by the German Parliament on 26 June 2018, which in its fourth paragraph requests the Federal Government “*to ascertain, with the help of a study [...] which factors lead to the disproportionate length of proceedings and to formulate proposals on accelerating proceedings*”. The International Nuremberg Principles Academy has been entrusted with the study, which is ongoing.

“In numerous instances, domestic proceedings are (too) long and sometimes do not lead to any result”

From the origin of contemporary international criminal justice, it was acknowledged that national jurisdictions might be quicker and more efficient than the new international institutions. If the proponents of the International Criminal Court (ICC) and the drafters of the Rome Statute had not shared this expectation, and had feared that complementarity would diminish the efficacy of the international Court to suppress the most serious crimes, this topic of the Court’s jurisdiction would have been more hotly debated.

The initial assumption was that domestic prosecutions and trials might be quicker, and proceedings before the new international Court would meet a more general echo and recognition – thus decisively contributing to the global fight against impunity. Some empirical works have confirmed the validity of this first assumption, sometimes in a very spectacular way, as some national courts have dealt with similar cases to international courts much more efficiently: e.g. Canada expedited, in less than six months, cases similar to those that had taken four or five years to proceed before the International Criminal Tribunal for Rwanda.

However, in numerous instances (see p.30), domestic proceedings are (too) long, and sometimes do not lead to any result. As often underlined by the Interamerican Court of Human Rights – a trial of unreasonable length is a denial of justice.

Contributing factors and possible solutions

Are extraterritorial international crimes proceedings in national courts (most often based on universal jurisdiction) more prone to be unreasonably long than exclusively domestic proceedings? Comparisons are difficult, and we lack empirical works. What are the factors that could explain the slowness of certain national proceedings? Legal complexity is certainly not a factor; conversely, lesser knowledge about international crimes on the part of some national actors involved, as well as obvious practical problems, are certainly factors in some domestic cases (even if the difficulty of gathering evidence abroad is not exclusive to the crimes we are dealing with here).

Does “*Interculturalism*” play a role? A reason often invoked in order to explain the slowness of proceedings before international criminal courts is the diversity of legal backgrounds of prosecutors and judges. This phenomenon does not exist in domestic courts. However, prosecutors and judges (legal counsel too, in most cases) deal with accused and victims coming from a different culture. This may lead to difficulties as regards the protection of the rights of the accused and the victims: because in addition to needing to provide purely linguistic assistance, translation of procedural notions that are often profoundly rooted in a specific culture has to be provided to the accused and victims. The problem is all the more sensitive as accused and victims are often more active players in international proceedings.

As victims are becoming more active, can *they* address the slowness of proceedings? Generally speaking, while victims and their representatives may in some systems trigger prosecutions even when the public prosecutor has decided not to proceed, or may appeal a decision of dismissal, they are usually deprived of resources that would allow them to accelerate proceedings – other than to intervene with the investigating authority (prosecutor or investigating judge). And while an accused may – in cases of violation of the guarantee of a speedy trial – ask for indirect reparation via a sentence reduction or even a non-conviction, victims do not have access to such resources. The slow pace of some proceedings thus impacts the different participants in the process differently. It is up to specialists in procedural law to imagine new institutions that would allow victims and their representatives to influence the course of justice, in order to prevent “*secondary victimization*”, in the form of denial of justice.

Robert Roth is a Professor of International and European Criminal Law at the University of Geneva. He previously served, *inter alia*, as a judge of the Special Tribunal for Lebanon in The Hague (2011-2013) – chairing the Trial Chamber for two years – and as a judge at the Court of Cassation of the Canton of Geneva (1992-2011). Professor Roth was Dean of the Law Faculty, University of Geneva (2003-2007), and contributed, in this capacity, to the creation of the Geneva Academy of International Humanitarian Law and Human Rights.



Sierra Leonean Government soldiers
defending Freetown transport a captured
rebel to a prison camp.
Newton, Sierra Leone, May 2000

The Liberian Accountability Movement: A Personal Account



Lisa-Marie Rudi

Deputy Head of Legal Unit, Civitas Maxima

I began working at Civitas Maxima in early 2014. It was undeniable that – 11 years after the end of the Second Civil War – there was a deep yearning for justice within Liberian society, where complete impunity reigned. As I began spending more time in Liberia and interviewed more and more survivors of the Civil Wars, the urgency of the call for justice really sunk in for me.

However, many Liberians were hesitant to speak about their desire for accountability; the wounds of the wars were still too fresh, and former warlords too present in society. At the time, whenever there was mention of the need for accountability for war crimes in the Liberian media, we at Civitas Maxima and our Liberian partners at the Global Justice and Research Project (GJRP) were thrilled. Such articles were tangible proof that the issue of accountability was indeed still of interest to Liberians.

Between 2014 and 2016, our work contributed to the first arrests of alleged Liberian war criminals in Belgium, Switzerland, the U.S. and UK.

While those arrests were reported on in Liberia and the international press, Liberian media articles on the general lack of accountability at the national level remained few and far between, and still something we noticed and celebrated each time it occurred.

This situation changed drastically in late September 2017 when a historic event happened: the start of the “Jungle Jabbah” trial in Philadelphia – the first ever criminal trial related to war crimes committed during the First Liberian Civil War. Civitas Maxima and the GJRP had collaborated with the U.S. authorities on that case. It was the first time that Liberian victims were able to testify in front of a criminal judge about crimes that happened during the First Civil War. It was important for us to let Liberians know that, albeit far away, justice was being done for atrocities committed during the Civil Wars, at least in this one case.

To make the most of this opportunity, we created the “Liberian Quest for Justice” – a campaign for informed debate about trials of alleged Liberian war criminals, using cartoons and interactive audio-visual materials to relay information about these efforts of justice. This campaign became a significant source of information to battle the culture of impunity in Liberia – providing reliable and unbiased information about the “Jungle Jabbah” trial.

Among other things, the Liberian Quest for Justice campaign prominently featured “Musu’s Diary”, a cartoon created by Civitas Maxima that explained the “Jungle Jabbah” trial through a fictional story about a young Monrovia girl who follows the case in Philadelphia and seeks to reunite her family torn apart by the war. We also collaborated with Liberian journalists who attended every day of the trial and relayed daily updates in Liberian newspapers and on Liberian radio.

The conviction and sentencing of “Jungle Jabbah” was a turning point, as it demonstrated that even all these years later a former rebel commander could be convicted after a fair trial for crimes related to the Liberian Civil Wars. I believe that this made it clear for many Liberians that they do not have to accept impunity as the inevitable status quo.

About two months after this historic conviction, the first peaceful post-war transfer of power happened with the election of George Weah as President of Liberia. The fact that Weah had previously spoken out in favor of the establishment of a war crimes court, and that he was not in Liberia during the wars (but playing professional football in Europe) emboldened citizens to remind him of his responsibility to provide access to justice for victims.

While we had expected these events – the first trial in Philadelphia, other cases against alleged Liberian perpetrators abroad, and the change in political leadership – to open up the dialogue and encourage victims to speak out in favor of justice, the speed and force with which Liberian people began raising their voices for justice in late 2017 and early 2018 surprised us all.

As a result of these increasing calls for an end to impunity, it was quickly becoming impossible to save every media clipping and listen to every radio show dealing with the question of accountability for past crimes – there were simply too many. It was apparent that frustration with the complete impunity in Liberia had been simmering under the surface of society, and was forcefully pushing its way out into the open.

In May 2018, a coalition of civil society groups and individuals marched in the streets of Monrovia calling for justice, and delivered a petition signed by over 10,000 Liberians to the legislature – requesting the implementation of the Liberian Truth and Reconciliation Commission’s (TRC) recommendations and the establishment of a special criminal court to judge war-time crimes. Throughout the year, pressure on the Liberian authorities continued to mount.

In June 2018, Thomas Woewiyu, former spokesman of Charles Taylor’s National Patriotic Front of Liberia (NPFL), was convicted in Philadelphia of having lied in order to obtain citizenship by failing to disclose his association with the rebel group, as well as the fact that he was connected to crimes committed by it. Civitas Maxima and the GJRP collaborated with the U.S. authorities on the investigation.

During this second trial in Philadelphia, the Liberian Quest for Justice campaign again provided daily updates on what had happened in the courtroom – featuring reports by Liberian journalists and new episodes of “Musu’s Diary” – explaining through art and a fictional personal story the trial and its relevance. As a result, the trial of Thomas Woewiyu in 2018, similar to the trial of “Jungle Jabbah” in the previous year, was widely covered in Liberian media and continued to embolden the access to justice movement in Liberia.

Following this unprecedented momentum, it was clearly time to assemble the relevant players nationally to talk in a formal setting about the lack accountability for war crimes in Liberia.

In November 2018, Civitas Maxima and the GJRP co-organized the first National Justice Conference in Monrovia with other national and international NGOs. This conference was the first of its kind, almost 10 years after the publication of the TRC report which had recommended the establishment of a special war crimes tribunal.

We knew that organizing this type of conference entailed certain risks, and that many stakeholders might not be comfortable speaking about the sensitive issues of impunity in such an open forum. Surprisingly, however, the level of engagement and dialogue during the conference more than exceeded our expectations.

As we observed members of the legislature, representatives of government, high-level UN and civil society representatives, members of the diplomatic community, and TRC commissioners unite for the very first time to discuss not whether, but how, to implement the TRC recommendations and ensure justice for past crimes, Civitas Maxima and GJRP staff were awe-struck. Obviously, I am not Liberian and have been working on Liberia and with Liberians only for a few years. Nevertheless, this conference felt momentous to me. I can only imagine how it must have felt for Hassan Bility and his staff at the GJRP who lived through the wars and have been fighting this fight for as long as they can remember.

Before and after this conference, several creative projects that promoted informed accountability dialogue among the population came into being as part of the wider Liberian Quest for Justice campaign.

Firstly, Civitas Maxima, the GJRP, and the Liberian Visual Arts Academy (LivArts) started to organize “Cartooning for Justice” workshops with youth during which we explained different aspects of the accountability debate and the TRC report, engaged in discussions, and encouraged participants to express themselves through art. The GJRP and LivArts also organized an exhibition in the National Museum in Monrovia of the drawings. The drawings clearly showed that the next generation of Liberians, which did not live through the Civil Wars, is very much affected and troubled by its legacy, and that there is a need for intergenerational dialogue in Liberia.

Moreover, in February 2019, the GJRP and Civitas Maxima, in collaboration with the Liberian Flomo Theater troupe, translated the script of “Musu’s Diary” cartoons into a participatory theater format, popularly known as “forum theater”. Catering to the individual communities, the roadshow traveled across five counties and brought information about the “Jungle Jabbah” trial, as well as the accountability debate, closer to rural communities.

“The establishment of a war crime court is not a distant aspiration after all, but a concrete project that could become reality within the next few years”

These artistic and participatory projects contributed to keeping the accountability debate alive, vibrant, and present in Liberian society. There was no way of shutting it down anymore.

Subsequently, in July 2019, Civitas Maxima and the GJRP co-organized, along with other partners, a follow-up gathering to our momentous Justice Conference upon the request of several members of the Liberian legislature: a Legislative Conference.

Liberians were in the process of taking very concrete measures towards accountability for past war-time crimes: a strong bipartisan legislative group had worked on a resolution to be submitted to members of both Houses of Parliament to rally support for the cause of establishing a war crimes court, while the Liberian Bar Association (LBA) had produced a draft bill to establish such a court. During the Legislative Conference, Professor Olympia Bekou from Nottingham University, who co-organized the conference, worked with the LBA and members of the legislature on the draft bill – providing technical advice and support.

It felt as if a major shift was happening in Liberia in 2018 and 2019. Various new political actors without any affiliation to former armed groups were appearing, and the “taboo” subject of accountability could now be tackled with a new coalition of courageous and determined Liberian leaders.

In September 2019, President Weah addressed the UN General Assembly in New York and acknowledged that “(...) there has been a rising chorus of voices from many quarters, calling for the establishment of an Economic and War Crimes Court. These voices include not only thousands of war victims, but also some of the alleged perpetrators, who seem to wish to either clear their names or their conscience” and asked for support from the international community on the matter. Since the end of the Civil Wars, Liberians had never heard their President acknowledge their desire for justice in such an explicit way.

Naturally, this fight is not without its obstacles and challenges. After this astounding progress made in less than two years – from the first public trial of a Liberian war criminal to concrete work on a draft bill that would establish a war crimes court in Liberia – the movement appeared to lose some momentum.

Upon President Weah’s return from New York, he seemed to backpedal – suggesting that he was less concerned with the establishment of a war crimes court, and, in fact, more focused on fixing the country’s dwindling economy.

Liberians are still waiting for the resolution calling for the establishment of a war crimes court to be put on the agenda for discussion in the Lower House of Parliament. The resolution obtained 51 signatures, more than were needed to put it on the agenda, but it appears to be politically blocked. Similarly, the work on the draft bill has stagnated.

Even if some Liberian authorities are not prioritizing the establishment of a court right now, I find it hard to imagine that Liberians will allow their lawmakers to let the issue slide.

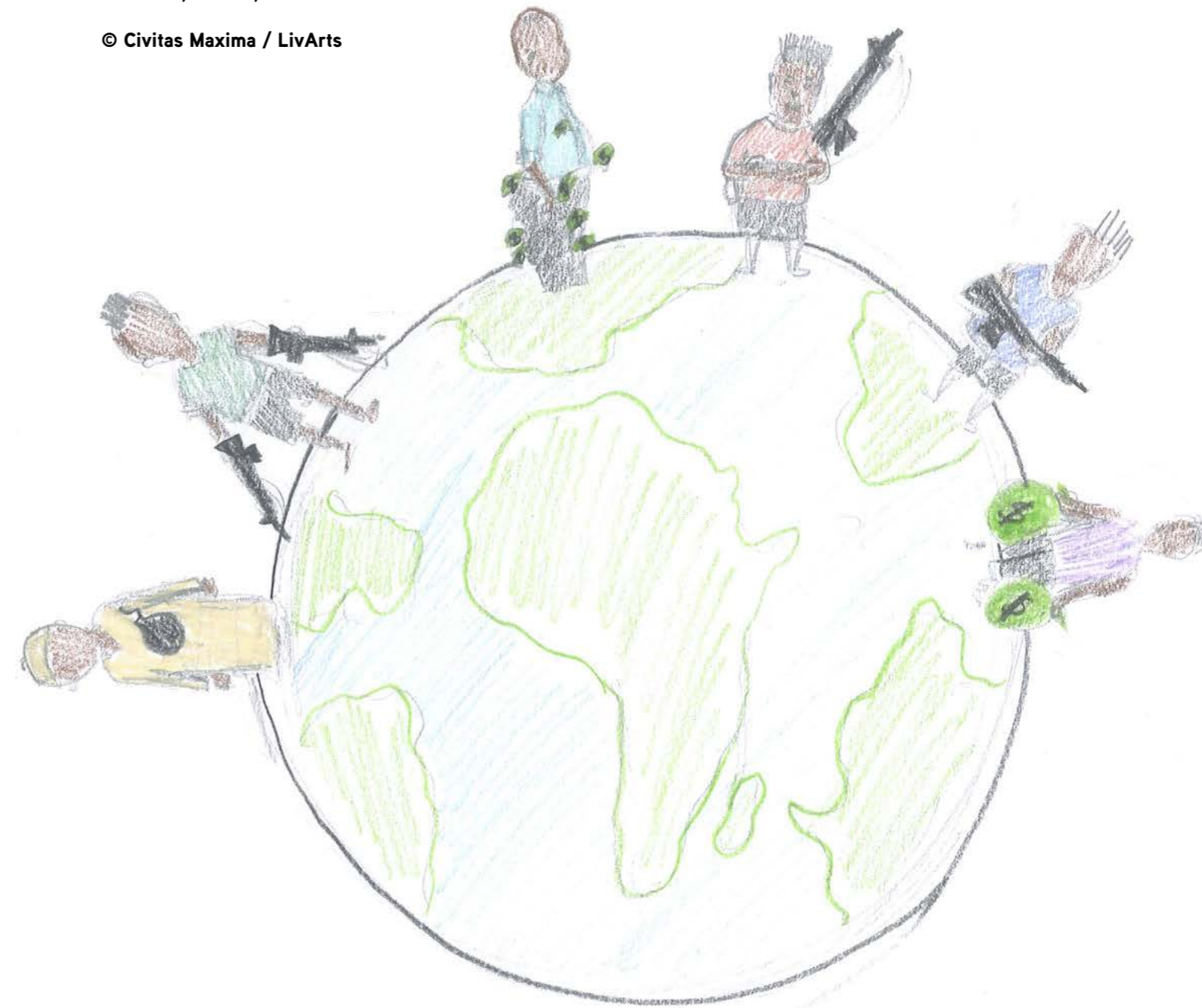
Efforts in other countries have shown that the establishment of a war crimes court may not only take many years, but also requires complex political compromises. Liberia is no exception. One thing is clear: the Liberian public is done being quiet on the issue.

The courage and determination of Liberian activists and victims is awe-inspiring. The described developments over these past few years have shown that the establishment of a war crimes court is not a distant aspiration after all, but a concrete project that could become reality within the next few years.

Lisa-Marie Rudi is Deputy Head of the Legal Unit. She has been working at Civitas Maxima since 2014. She contributes to the majority of Civitas Maxima’s cases through her legal and investigative work, collaborates with various authorities in charge of international criminal cases, and organizes and implements capacity building work with the GJRP. As Ms Rudi prepares to move on to new professional projects, she will be shifting from her role as Civitas Maxima staff member to a GJRP board member. Here, she takes stock of her experience on the ground over the past 6 years.

Cartoon drawn by a student who attended a “Cartooning for Justice” workshop, organized by Civitas Maxima, the GJRP and LivArts. Monrovia, Liberia, 2018

© Civitas Maxima / LivArts



A HUGE UNIVERSE OF PERPETRATORS.

Bâtonnier Michel Halpérin Prize for Excellence



Alain Werner receiving the
prize from Marc Joory.
Geneva, April, 2019

© Ordre des Avocats

In 2017, the Geneva Bar Association created the “Bâtonnier Michel Halpérin prize for Excellence” to celebrate the memory of the highly accomplished and respected attorney and politician from Geneva, Michel Halpérin, who passed away in 2014, and to honour other attorneys who embody the exceptional qualities Halpérin possessed. In April 2019, Alain Werner, Director of Civitas Maxima, was honoured as the recipient of this award during the annual banquet of the Geneva Bar Association. It was presented to him by the President of the Jury, attorney Marc Joory, whose speech brilliantly evoked not only the exceptional qualities of Michel Halpérin, but also the career of Alain Werner. Here follows an excerpt of Marc Joory’s speech, translated from French.

“A friend is another self” Aristotle tells us in his Eudemian Ethics. This room is full of friends of Michel Halpérin, all of whom saw, wanted to see, searched for, and sometimes found within themselves a piece of him – in the mirror that he unknowingly held out to each one of us. (...) Halpérin was a voice of unparalleled depth: warm, beautiful, and brazen; who was dedicated to a demanding, though just and benevolent, but also implacable, service; a voice that knew how to lead the way. The prize was designed to celebrate the qualities, values, and commitment of Michel Halpérin, which were constantly nourished by friendship, literature, and love for the people around him. Michel Halpérin embodied these values, some of which are part of our oath: humanity, courage, dignity – to which one must add humour – and elegance. Michel Halpérin embodied these qualities with unwavering commitment, and with a naturalness that was as obvious as it was confounding: sometimes flirting with perfection. A sense of humor, charming, with mischievous eyes and a talent for storytelling – what can we do, some men possess all the talents, all the graces, and in a way, this is a tribute to inequality.

This year the jury received several quite remarkable nominations for the laureate (...) The man we elected to bestow the prize upon, by a solid majority, has magnificent qualities – which we are happy to be able to honor through this award. His name is Alain Werner. As you will see, Alain Werner’s journey is not only exemplary – having involved fundamental work – but he also embodies first and foremost an indomitable, inexhaustible energy: he is a body in perpetual motion, as if constantly reaching towards the absolute.

Alain Werner is incandescent. More than anything, he embodies the idea that first impulses are key (...) As a teenager, personal events plunged him into the judicial whirlpool, where he got acquainted with several legendary figures at the Bar. He studied them, questioned them, and they – without necessarily realizing it – shaped, molded, and influenced him. A vocation was sealed – deeply rooted in an unbounded admiration, in body and soul, for defense practice.

Since passing the Bar in 2002, Alain Werner has distinguished himself with his commitment to forgotten victims – particularly to victims of armed conflicts. He traveled to Freetown in order to work for the Office of the Special Criminal Prosecutor for Sierra Leone. It was meant to be a short stay, but turned into love at first sight for Africa – where he ended up spending five years at the heart of several trials of senior military officials. In 2006, after Charles Taylor (the former president of Liberia) was arrested, Werner assisted victims of war crimes in the first trial since Nuremberg to convict a Head of State. In 2008, he was in Phnom Penh to represent several dozen victims of the Khmer Rouge in the trial against Duch (...). In the course of his career, he has met and served magistrates and lawyers with very high moral values. He learned a great deal from these masters and mentors, such as Professor Robert Roth, attorneys Nicholas Koumjian, Karim Khan, Reed Brody, and Brenda Hollis. (...) All of them instilled in him the necessity of being absolutely invested in one’s work (...).

In 2012, Alain Werner had the vision to create the association Civitas Maxima, in order to ensure the best possible representation for victims of mass crimes. This vision was born from a simple observation, as distressing as it is undeniable: that none of the victims of Liberia’s successive and particularly bloody conflicts would obtain justice without the help of civil society. Alain Werner has succeeded in making this vision a reality by creating an international network of lawyers that act and obtain justice on behalf of victims whenever a trial can be brought about. Thanks to their long-term commitment, and in close collaboration with other associations, they tirelessly collect evidence – not unlike worker ants (...).

I was able to meet Alain Werner in the “engine room” – in the heart of the premises he and his team occupy – and from where he oversees the efforts of the network of lawyers in their various operations. He may be a dreamer, but he is no longer alone. With his feet firmly anchored in reality – in the muddy fields of possibility – he seeks, turns, and winds all those pieces of evidence that, in a mad but by no means senseless quest, will eventually crown that painstaking and rigorous work, in order to give back to the victims a piece of their downtrodden dignity.

His familiarity with the worst horrors of the human soul has in no way dulled the shining gaze with which he sees all things. There is an equally unalterable purity in his approach. (...)



Audience reacting to a
"Justice in Action" performance.
Nimba County, Liberia, February 2019

Part Two

Outreach



Justice in Action:

How theater can be used to disseminate information in hard-to-reach communities

Communications Department, Civitas Maxima



The “boogeyman” scaring Musu and Varney during a Justice in Action performance. Lofa County, Liberia, January 2019

© Civitas Maxima / Nathaly Leduc

Outreach is a core component of Civitas Maxima’s efforts, as we believe that our legal representation of victims cannot exist in a vacuum: it is essential for victims and affected communities to be informed about perpetrators being held accountable, and thus understand that war crimes impunity is not, and should not be, the norm. In this spirit, in 2017 and 2018, Civitas Maxima, together with our Liberian sister organization, the Global Justice and Research Project (GJRP), conducted the “Liberian Quest for Justice” – a digital campaign to provide reliable and unbiased information to Liberians about the trials happening abroad concerning crimes committed during the Liberian Civil Wars.

Such digital efforts will always have inherent limits, especially when the target audience lives in a country with little internet usage and a high illiteracy rate, such as Liberia. Indeed, according to the World Bank, only an extremely low percentage of Liberians have access to the internet, and these people are mainly concentrated in the capital, Monrovia. However, such challenges can be transformed into opportunities. Civitas Maxima has distinguished itself by partnering with local organizations on original and artistic projects which involve local populations in debates about accountability and justice. In this spirit, within the Liberian Quest for Justice campaign, one of our most ambitious outreach projects so far was “Justice in Action”.

“Civitas Maxima has distinguished itself by partnering with local organisations on original and artistic projects which involve local populations in debates about accountability and justice”

“Justice in Action” was a participatory theater project, undertaken in partnership with Flomo Theater Inc., which commenced in 2017 and continued in 2018 with the design of a theater roadshow, public readings, and the staging of mock trials performed by Flomo Theater actors and involving local students in Monrovia. Then in 2019, Flomo Theater actors, together with Civitas Maxima staff and other local partners, embarked on a roadshow across rural Liberia to share the news of the trial of Mohammed Jabbateh, aka “Jungle Jabbah” – former commander of the United Liberation Movement of Liberia for Democracy (ULIMO) rebel faction who was convicted in the U.S. for immigration fraud relating to his non-disclosure to U.S. authorities of his involvement in the First Liberian Civil War.

The Justice in Action project was not only concerned with the vital task of shedding light on the criminal prosecutions happening abroad: it also involved Civitas Maxima staff and our local partners listening to, understanding, and engaging with local communities in the provinces. With this project, Civitas Maxima aimed to achieve much more than just sharing information about the “Jungle Jabbah” trial: it wanted to engage Liberians from remote communities in a wider discussion about justice, impunity, and dealing with the past.

To this day, those who committed atrocities during the Civil Wars have not been held accountable in Liberia. This is in spite of the explicit recommendation of the Liberian Truth and Reconciliation Commission (TRC) in 2009 for the government to establish a war crimes court. Alleged perpetrators still hold powerful positions in the country, and many opposing narratives – often fallacious – surround the debate on whether or not Liberia should have a war crimes court. It was therefore paramount to provide reliable information and honest dialogue on impunity, justice, and accountability.

Flomo Theater

Flomo Theater Inc. is a historic theater troupe which formed in Liberia in 1980 right after the *coup d’ état* staged by former President Samuel Doe – whose regime was responsible for gross human rights violations during the 1980s. Through awareness, education, advocacy, drama, satirical speeches, and jingles, Flomo communicated to ordinary Liberians the heinous crimes of the Doe administration.

Flomo Theater's work did not stop when Charles Taylor's forces invaded Liberia in December 1989 – triggering the First Civil War which lasted until 1996. Because of their relentless peace advocacy, some of the troupe's members were tortured and executed during the conflicts.

Flomo Theater distinguishes itself for practicing theatrical techniques which belong to Augusto Boal's "Theater of the Oppressed", where the audience actively engages with the play – interacting and analysing common situations of oppression and exploitation. It is more than just entertainment – it is a socio-cultural movement. By allowing ordinary people to play and intervene, spectators become "spect-actors", and the separation between actors and the audience is torn down.

Flomo Theater has a deep understanding of Liberia's diverse cultures, a profound knowledge of its population, and has real empathy as to what it means to be a victim craving justice. It was only natural for Civitas Maxima and the GJRP to reach out to Flomo Theater to implement the Justice in Action project, under the supervision of Nathaly Leduc, then Communications Officer at Civitas Maxima.

Musu's Diary

As part of the Justice in Action project, Civitas Maxima approached Flomo Theater with its "Musu's Diary" comic, which had been written by our staff in 2017-2018 and drawn by the brilliant pen of JP Kalonji, a renowned Swiss-Congolese artist.

With her family torn apart by the Liberian Civil Wars, Musu – a brave young Liberian girl born after the wars – seeks to reunite her family and embarks on adventures with her little brother Varney, as they learn about the trials in the U.S. of former rebel commander "Jungle Jabbah" and former Defence Minister of the NPFL Thomas Woewiyu. Musu and Varney face the "boogeyman", a mystical creature known in Liberia as a frightening figure in children's tales. In this comic, the boogeyman represents injustice and impunity in Liberia, as he feasts upon people's hopes and dreams of justice.

Musu's Diary was first used as an educational tool in the Cartooning for Justice workshops: art classes organized by Civitas Maxima, the GJRP, and Liberia Visual Arts Academy (LivArts) – an acclaimed art school in Liberia where young students not only learn drawing techniques but are also introduced to post-conflict storytelling.

For the Justice in Action project, chapter one of Musu's Diary, which follows the trial of Jungle Jabbah in the U.S., was adapted into an itinerant theater show. This theater roadshow not only proved to be an incredible tool for dissemination of information, but also created a safe space for debates about war crimes accountability and justice.

The Roadshow In Action

Foya, Lofa County – 457 km from the capital city, Monrovia. The drums are beating rhythmically – calling the crowd. As people gather in front of the community centre, the Flomo actors start re-enacting Musu's story. The boogeyman takes the stage and threatens to devour Liberians' hopes and dreams of peace and justice: children in the audience start crying, only to clap their hands and cheer minutes later when Musu, Varney, and some audience members finally defeat him.

In total, 15 towns in six different counties were visited by the roadshow. All of these towns witnessed extreme violence perpetrated by all armed groups across all factions – who raided and devastated these communities during the conflicts.

The sequence of events was similar in every place visited: First, a town crier would announce the event, then Flomo Theater actors, Civitas Maxima and GJRP staff would arrive and seek permission from town elders and chiefs to perform. Not all leaders were welcoming, as some were worried about the sensitive topic, but many were curious and eager to share their own experiences and memories. Once it was agreed that the actors could perform, musicians would start playing the drums to get people's attention and gather the crowd. The performance was then ready to start.

After the play, people would come forward, one after another, to share their horrific memories of the war. "Every day the ULIMO rebels would come and murder someone and put their dismembered body parts in a wheelbarrow" recalled some town elders in Lofa. "Then they would sell them to us, and if we did not buy them, we were going to be the next victim to end up in the wheelbarrow."

The outpouring of energy at every play was beyond expectation: people gathered in every town, willing to participate, share, and remember. "This show is exactly what happened here, it is very educative and opened our eyes" said one member of the crowd in Kolahun, Lofa county. "The drama [Musu's Diary] reminded me of my own brother, he was brutalized and beaten when he went out for food during the war" reminisced another in Ganta, Nimba county.

During the performances, Flomo Theater, Civitas Maxima, and the GJRP were careful to not lead discussions, but rather allowed people to speak freely with each other, to take the stage and share their feelings. In every town, the crowd reacted differently. A few expressed support for ex-warlords still in power, others spoke of family members they had lost during the wars, many cried for justice and denounced corruption, whilst some insisted on letting "bygones be bygones" – fearing that any sort of attempts for justice would reignite power struggles and lead to a new war.

The performances were usually followed by open mic sessions, during which the audience could direct questions to GJRP and Civitas Maxima staff. People inquired about the "Jungle Jabbah" case, wondered how a war crimes court would work in Liberia, and asked about justice in general.

As the team moved through rural Liberia, they tirelessly listened to every person who wanted to speak – which included people who initially did not feel comfortable sharing their views or stories in a public setting. As the Paramount (traditional) Chief of Foya, Lofa County stated: "We haven't ever spoken about justice collectively in the community; this is the first time. Since the Truth and Reconciliation Commission, no one has asked us about the past". This was indeed how it felt: that people were craving the opportunity to share their experiences, memories, traumas, and views about how justice should look in Liberia.

Out of the approximately 3,000 people who watched and participated in the performances, very few were aware that "Jungle Jabbah" had been tried, convicted, and sentenced in the U.S. to 30 years in prison for offences related to crimes committed during the First Liberian Civil War. This lack of exposure to information is a recurring problem in Liberia, especially in rural areas: not only regarding war crimes, but about justice in general. This affirmed Civitas Maxima and the GJRP's desire to continue focussing on disseminating information in new and alternative ways – so that people are aware that justice for crimes related to the Civil Wars is being pursued abroad, even if not in Liberia.

People in all of the locations visited by the roadshow related to the young and brave Musu, who was on a quest for justice – trying to reunite her family that was torn apart by the wars. To witness the comic's pages come to life through the exceptional performance of Flomo Theater actors, and the participation of the crowds, was a humbling and heart-filling experience for Civitas Maxima and the GJRP. A filmographer followed the endeavours of the team, and a film entitled "Beyond Impunity" will be released in 2020.

For Civitas Maxima, travelling around rural Liberia for three weeks and hearing the multitude of voices craving justice confirmed that, while the Liberian quest for justice still has a long road ahead, it is worth every effort involved. The "forgotten" victims will not be erased from history: Civitas Maxima and the GJRP's duty remains to fight alongside them for justice.

"People everywhere related to the young and brave Musu, who on a quest for justice, was trying to reunite her family torn apart by the wars"



Flomo performers dancing during a Justice in Action performance. Nimba County, Liberia, February 2019

From Monrovia to Geneva...

Musu's Quest for Justice



Jean-Philippe Kalonji

Artist, Illustrator and Cartoonist

When I was asked by Civitas Maxima in 2017 to illustrate the adventures of “Musu”, I could never have imagined the impact it would have, not only in Liberia, but also on myself. As a professional illustrator and artist, I have often drawn and poured ink (albeit sometimes only virtually) into stories that were worth telling – that felt the need to be told. “Musu’s Diary”, though, was different: as I drew this brave young girl who was seeking to reunite her family, I felt a sense of her struggles and her pain, but also her hope. I heard the voices of the children I had met in Liberia in 2017 during a “Cartooning for Justice” workshop echoing in my ears – their doubts and fears, their desire for peace and reconciliation with a past that they did not experience, but which they nonetheless live and breathe in post-conflict Liberia.

Drawing the adventures of Musu was not easy. As her quest unfolded, I felt her need for justice. As she fought the “boogeyman”, I grappled with her fear and resilience. Working on “Musu’s Diary” has always been an extremely personal, intimate experience.

When I was told that extracts of Musu’s Diary, alongside other pieces by Liberian artists, were going to be displayed in the exhibition “Without Justice Our Wounds Cannot Be Healed” at The International Film Festival and Forum on Human Rights (FIFDH) in March 2019, I could not wait to see a piece of Liberia on display in the heart of Geneva.

The sombre green walls of Geneva’s Théâtre Pitoëff were decked with countless canvases – all of them representing a stage of the Liberian quest for justice. Several drawings by the young students of the Liberian Visual Arts Academy (LivArts), which were created during the Cartooning for Justice workshops, depicted the atrocities of the wars, and the prevailing impunity in post-conflict Liberia. Several court sketches, drawn by the brilliant Liberian artist Chase Walker, forever immortalize moments from both the “Jungle Jabbah” and Thomas Woewiyu trials in federal courtrooms in Philadelphia, U.S.; and of course extracts from Musu’s Diary – with the black, white and brilliant blue images seeming to leap off the walls.

As visitors filled the exhibition, I could see how much the pieces intrigued them: they were captivated and taken through a visual journey – from the traumatic images of violence and impunity which represent the wars and post-conflict Liberia – all the way to the powerful court sketches that symbolize justice and accountability.

It was in seeing this that I realized – that Musu now lives outside of me, that she lives beyond paper: she is now a part of the Liberian quest for justice.

Jean-Philippe Kalonji is a painter, illustrator and comic book author. He began his career in 1992 and has collaborated with several renowned institutions like Pro Helvetia, UNESCO, and Le Temps. He has been working with Civitas Maxima since 2017.



**People visiting the FIFDH exhibition.
Geneva, March, 2019**

© Civitas Maxima / Nicolás Braguinsky Cascini

... and Then Back Again

Justice Through the Eyes of Children



Leslie Lumeh

Director and Artist, LivArts

The National Museum of Liberia is an old executive mansion in downtown Monrovia. Despite having been damaged and looted during the Civil Wars, the museum still represents the cultural heart of the capital, and still displays many objects and artefacts from Liberia's rich history. This is where, from August to October 2019, "Cartooning for Justice: The Exhibition" was hosted.

As the Director of the Liberia Visual Arts Academy (LivArts) – Liberia's most prominent art school – I have been partnering with Civitas Maxima and the Global Justice and Research Project (GJRP) on the "Cartooning for Justice" workshops since 2018. Educating younger generations about accountability and justice also means educating the future leaders of our country. What happened during the conflicts still shapes the reality of Liberia, especially because perpetrators have not been held accountable (as in other countries) for the atrocities committed, and many alleged warlords continue to hold positions of power in the country to this day.

We wanted to host an exhibition that mirrored the one Civitas Maxima had presented in Geneva a few months earlier at the 17th International Film Festival and Forum on Human Rights (FIFDH). Our colleagues from Switzerland sent us some of the pieces they had exhibited – including large printed panels of the Musu's Diary cartooning series illustrated by Swiss-Congolese artist JP Kalonji, and court sketches of the "Jungle Jabbah" trial drawn by U.S.-based Liberian artist Chase Walker. We hung these in the exhibition, along with most of the drawings my students worked on these past years – copies of which were showcased in the Geneva exhibition.

"Cartooning for Justice" focuses on more than just art: it is about educating, teaching, striving for justice, and stressing that what has happened in the past must never happen again.

The students have heard many stories from their parents and families: the violence described by their loved ones has had a deep impact on the young, and this is reflected in their art.

Seeing the students' pieces hanging on the walls of the National Museum of Liberia filled my heart with hope and pride: the students are doing their part to bring social change to their country, one stroke at the time. Art has the power to reach audiences in unique ways, it is emotive and powerful. More than 300 people came to see the exhibition, and many left messages on the museum's guestbook – leaving a sign of their presence and their support. The exhibition, with its silent demand for justice, is now a part of Liberian history.

Leslie Lumeh is an internationally renowned Liberian artist who lives and works in Monrovia, Liberia. In 2010 he created LivArts, which is the first arts academy in Monrovia. Mr Lumeh has been collaborating with Civitas Maxima and the GJRP since 2017.



The "Cartooning for Justice" exhibition at the National Museum of Liberia. Monrovia, Liberia, October 2019

© Civitas Maxima / Leslie Lumeh

Cartoon drawn by a student who attended a "Cartooning for Justice" workshop, organized by Civitas Maxima, the GJRP, and LivArts. Monrovia, Liberia, 2018

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Part Three

Financials & Acknowledgements

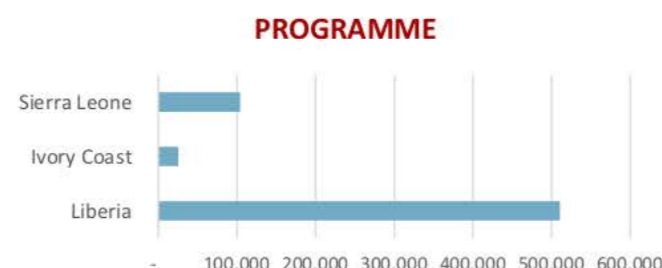


Financial statement

2019 FINANCES

Operating statement for the year ended December 31, 2019*

	2019 CHF	2018 CHF
INCOME		
Grants & donations**	1,046,761	1,001,074
Other income	44,208	38,000
TOTAL INCOME	1,090,969	1,039,074
EXPENSE		
Programme	-640,043	-653,139
Outreach & Communication	-107,473	-112,253
Management & General	-205,106	-189,128
Fundraising	-92,073	-99,406
TOTAL EXPENSE	-1,044,696	-1,053,926
EARNINGS BEFORE FINANCIAL RESULT	46,274	-14,852
Financial expense	-9,480	-15,274
Financial income	1,192	2,903
RESULT FOR THE FINANCIAL YEAR	37,986	-27,223



*Based on audited accounts by PriceWaterhouseCoopers (PwC)

**This figure includes allocation to and use of the restricted funds

Donors & Partners

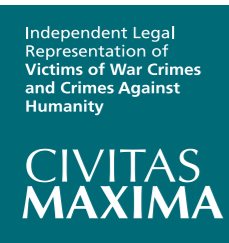
Civitas Maxima is extremely grateful for the support received from the following donors and partners who have contributed towards the advancement of our vision and mission:

- Our sister organization, the Global Justice and Research Project, Liberia
- Agro Companies International SA, Switzerland
- Akin Gump Strauss Hauer & Feld LLP, U.S.
- Centre for Civil and Political Rights (CCPR), Switzerland
- Courrégé & Foreman, France
- Flomo Theater Production Inc., Liberia
- Geneva Academy of International Humanitarian Law and Human Rights, Switzerland
- Human Rights Watch, International Justice Program, U.S.
- Inoks Capital SA, Switzerland
- International Committee of the Red Cross (ICRC), Law and Policy Forum, Switzerland
- Jacquemoud & Stanislas, Switzerland
- King Baudouin Foundation, U.S.
- Liberia Visual Arts Academy, Liberia
- New Narratives, West Africa
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- The Centre for Accountability and Rule of Law (CARL), Sierra Leone
- The Center for Justice and Accountability (CJA), U.S.
- The Civil Society Human Rights Advocacy Platform, Liberia
- The Institute for International Criminal Investigations (IICI), The Netherlands
- The Karl Popper Foundation, Switzerland
- The Sigrid Rausing Trust, UK
- The United Nations Voluntary Fund for Victims of Torture (UNVFVT), Switzerland
- The University of Nottingham Human Rights Law Centre, UK
- Walley & Blanmailland, Belgium
- White and Case LLP, Switzerland



**The rooftops of West Point, Monrovia.
Liberia, 2019**

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Civitas Maxima in 2019

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Special thanks to: Kelsey Guthrie-Jones | Alexandre Flahault | Irina Saminskaya | Amanda Seilern | Rebecca-Paris Senior | Felix Vogel.

Archives of newspapers published
during the Civil Wars, collected by a
private citizen.
Monrovia, Liberia, 2019

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